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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,824	01/25/2002	Thomas Schwengler	020366-080800US	4208

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EXAMINER

LE, HOANGANH T

ART UNIT PAPER NUMBER

2821

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/057,824

Applicant(s)

SCHWENGLER

Examiner

HOANGANH LE

Art Unit

2821



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 24-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 24-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The amendment filed June 26, 2003 is acknowledged.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-15 and 24-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1 and 17, the limitation "a collecting device" finds no support in the specification.

#### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by

Droessler et al (the US Patent No. 4,866,454).

The Droessler et al reference teaches in figure 1 a system for receiving electromagnetic and optical signals comprising: a first reflecting device 20 for reflecting the electromagnetic and optical signals 32,34; an electromagnetic receiver 18 having a surface 22 for receiving the reflected electromagnetic waves and reflecting the optical signals, wherein the electromagnetic waves are received using the surface 22 that reflects the optical signals, a collecting device 14 coupled to the electromagnetic receiver 18 configured to collect the received electromagnetic waves; and an optical receiver 40 for receiving the optical signals reflected from the electromagnetic receiver. The first reflecting device comprises a parabolic dish 20. The first reflecting device comprises a material to reflect the optical signals 34. The material comprises a mirror-like material. The first reflecting device comprises a material to reflect the electromagnetic signals 32. The material comprises a metallic material. The metallic material is polished to reflect optical signals. The optical signals comprise infrared signals. The electromagnetic signals comprise radio frequency signals. The electromagnetic signals comprise microwave signals. The second reflecting device comprises a material capable of reflecting optical signals. The material comprises a mirror-like substance. The first reflecting device reflects the electromagnetic and optical rays to a focus area, wherein the focus area includes the electromagnetic receiver 14. Figure 1 shows a transmitting system

comprising an optical transmitter. The electromagnetic receiver is designed to transmit electromagnetic signals.

6. Claims 1-15 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Brusgard et al (the US Patent No. 5,214,438).

The Brusgard et al reference teaches in figure 3 a system for receiving electromagnetic and optical signals comprising: a first reflecting device 20 for reflecting the electromagnetic and optical signals 22,28; an electromagnetic receiver 24 having a surface for receiving the reflected electromagnetic waves and reflecting the optical signals, wherein the electromagnetic waves are received using the surface 24 that reflects the optical signals; a collecting device 12 coupled to the electromagnetic receiver configured to collect the received electromagnetic waves; and an optical receiver 30 for receiving the optical signals reflected from the electromagnetic receiver. The first reflecting device comprises a parabolic dish 20. The first reflecting device comprises a material to reflect the optical signals 28. The material comprises a mirror-like material. The first reflecting device comprises a material to reflect the electromagnetic signals 22. The material comprises a metallic material. The metallic material is polished to reflect optical signals. The optical signals comprise infrared signals. The electromagnetic signals comprise radio frequency signals. The electromagnetic signals comprise microwave signals. The second reflecting device comprises a material capable of reflecting optical

signals. The material comprises a mirror-like substance. The first reflecting device reflects the electromagnetic and optical rays to a focus area, wherein the focus area includes the electromagnetic receiver 12. Figure 3 shows a transmitting system comprising an optical transmitter. The electromagnetic receiver is designed to transmit electromagnetic signals (figure 3).

### *Response to Arguments*

7. Applicant's arguments filed June 26, 2003 have been fully considered but they are not persuasive.

Applicant argues that Droessler et al and Brusgard et al do not teach a surface for receiving the reflected electromagnetic waves and reflecting the optical signals, and a collecting device coupled to the electromagnetic receiver. Examiner respectfully disagrees. Droessler et al do teach in figure 1 a surface 22 for receiving the reflected electromagnetic waves 32 and reflecting the optical signals 34, and a collecting device 14 coupled to the electromagnetic receiver. Brusgard et al do teach in figure 3 a surface 48 for receiving the reflected electromagnetic waves 22 and reflecting the optical signals 28, and a collecting device 12 coupled to the electromagnetic receiver.

Since all claimed structure is shown, including a surface for receiving the reflected electromagnetic waves and reflecting the optical signals, and a collecting device coupled

to the electromagnetic receiver, the 102 rejections are proper.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

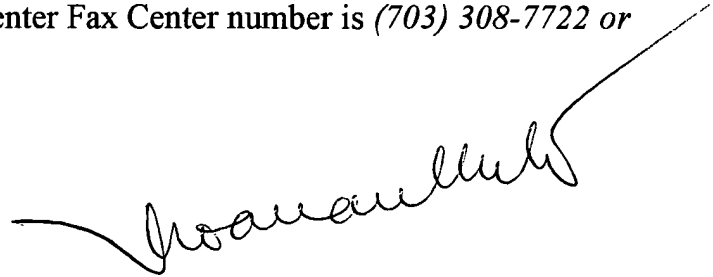
### *Correspondence*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Hoanganh Le whose telephone number is (703) 308-4921.

10. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

11. Papers related to Technology Center 2800 applications **only** may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

Hoanganh Le  
Primary Examiner  
Art Unit 2821  
September 12, 2003

  
Hoanganh Le  
Primary Examiner